

# **Judiciary Committee**

Senator Ron Gould, Chairman



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# **JUDICIARY COMMITTEE**

## **LEGISLATION ENACTED**

### waiver; intensive probation standards (S.B. 1054) – Chapter 204

Permits counties with populations greater than 300,000 to apply for a waiver of caseload and supervision requirements for juvenile and adult intensive probation programs if the caseload of supervising officers does not exceed 15 persons and visual contact with each probationer occurs at least once a week.

### minors; protective proceedings (S.B. 1081) – Chapter 225

Modifies statute related to guardians of incapacitated persons as follows: a) permits a parent to appoint a guardian for an unmarried child, and permits an individual to appoint a guardian for the individual's spouse, by a will or other signed writing; b) states that the appointment of a guardian is effective at either the death or adjudication of incapacity of the appointing parent or spouse, or upon a written determination by an examining physician that the appointing parent or spouse is no longer able to care for the incapacitated person; c) permits a person to object to the appointment of a guardian and details procedural aspects related to the effectiveness, acceptance and confirmation of appointment and specifies notice requirements regarding appointment; d) allows for the initiation of guardianship, conservatorship or protective proceedings when an incapacitated minor is within six months of adulthood so that an award regarding those proceedings may take effect on the day the minor turns 18 years old; e) permits the court to continue a conservatorship or other protective order beyond the date a minor turns 18 years old if certain petition, notice and filing requirements are met; and f) requires that the court and case number from any previous custodial orders in a child custody action be included as part of the petition process for a court appointed guardian.

### protest activity; prohibition. (S.B. 1101/H.B. 2101) – Chapter 1 E

An emergency measure, effective January 11, 2011, that classifies, as a class 1 misdemeanor, picketing or engaging in other protest activities within 300 feet of any residence, cemetery, funeral home, church, synagogue or other establishment during, or within one hour before or after a funeral or burial service.

### immigration legislation challenges (S.B. 1117/H.B. 2537) – Chapter 3 E

An emergency measure, retroactive to January 1, 2010, that removes the time limitation related to the Governor directing the Attorney General or outside counsel to defend legal challenges to the Support Our Law Enforcement and Safe Neighborhoods Act (Act). Permits the Speaker of the House of Representatives and the President of the Senate to direct counsel to initiate a legal proceeding or appear on behalf of their respective chambers or on behalf of the Legislature in any challenge in state or federal court to the Act or its amendments.

### homeowners' associations; disputes; administrative hearings (S.B. 1148) – Chapter 185

States that the Arizona Department of Fire, Building and Life Safety (DFBLS) has an additional purpose of protecting the public interest in maintaining the responsibility for interpreting and enforcing the terms of mobile home park rental agreements through its hearing officer functions

as it has exercised that responsibility for many years. States that the DBFS, through its hearing officer functions, applies and enforces the statutes regulating condominiums and planned communities and the interpretation and enforcement of the otherwise private contracts and rules that govern those communities. Further, it expands the purpose of the DBFS to establish a procedure to protect the owners in condominiums and planned communities as well as the renters in the mobile home park communities.

Removes a prohibition preventing a person aggrieved by a decision of an administrative law judge from applying for a rehearing.

ASRS; comprehensive amendments (NOW: legislation; referenda challenges) (S.B. 1167) – Chapter 159 E

An emergency measure, effective April 18, 2011, that specifies court jurisdiction and filing and hearing timeframes regarding challenges to the legal sufficiency of a referendum or a proposed constitutional amendment ordered by the Legislature. Entitles the Senate President or the Speaker of the House of Representatives, at their discretion, to be heard and intervene as a party, file briefs in the matter, or choose not to participate in a filed action.

civil appeal bonds; limits (S.B. 1212) – Chapter 99

SEE THE COMMERCE AND ENERGY COMMITTEE.

bad checks; county attorney fees (S.B. 1243) – Chapter 188

Increases the fees a county attorney may collect for the collection and processing of bad checks.

parents' rights; law enforcement investigation (S.B. 1244) – Chapter 69 E

An emergency measure, effective April 12, 2011, that specifies a law enforcement officer may make a video or voice recording of a minor, without prior written parental consent under the Parents' Bill of Rights, if the recording is made during, or as part of, a law enforcement investigation.

capital postconviction public defender; continuation. (S.B. 1245) – Chapter 42

Retroactive to July 1, 2011, the State Capital Postconviction Public Defender Office is continued until July 1, 2016.

hunting within city limits (S.B. 1334) – Chapter 349

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

employer protections; labor relations (S.B. 1363) – Chapter 153

SEE THE COMMERCE AND ENERGY COMMITTEE.

court ordered outpatient treatment; notification (NOW: juveniles; DNA testing) (S.B. 1367) – Chapter 351

Requires juveniles charged with, rather than arrested for, certain offenses and summoned to appear at an advisory hearing to submit a DNA sample. Directs the investigating law enforcement agency to transmit the DNA sample to the Department of Public Safety and specifies the applicable procedures for the collection, analysis, use, maintenance and expungement of submitted DNA samples.

human smuggling organization; offense; penalty. (NOW: probation officers; disciplinary actions) (S.B. 1368) – Chapter 352

Prohibits a probation officer from being subject to disciplinary action unless there is just cause, which includes: the probation officer being informed by an employer of possible disciplinary action or the conduct was such that the officer should have reasonably known disciplinary action could occur; the discipline is reasonably related to the standards of conduct for a probation officer, the mission or operation of the department or the probation officer's fitness for duty; the discipline is not excessive; a preponderance of the evidence supports that the conduct occurred; and the discipline is related to the seriousness of the offense and the probation officer's record. The requirement does not apply to a probationary officer or a dismissal that is for administrative purposes, including a reduction in force.

early voting; revisions (S.B. 1412) – Chapter 105

Requires an election officer charged with the duty of preparing ballots to ensure that the early ballot return envelopes are of a type that are tamper evident when properly sealed. States in the instructions supplied to early ballot voters that it is a felony to offer or receive compensation for a ballot. Specifies felony classifications for unlawful acquisition, sale, solicitation or collection of voted or unvoted ballots, and participation in a pattern of ballot fraud.

Requires a person who delivers more than 10 early ballots to an election official for tallying to provide a copy of his/her photo identification. Requires the elections officer to submit the photocopies or other submitted information by the person delivering early ballots to the Secretary of State (SOS). Directs the SOS to compile a statewide report on the submittals and requires that the information be made available on the SOS's website. Permits the SOS to make referrals to the appropriate prosecuting agency for enforcement purposes.

valid identification; consular cards; prohibition (S.B. 1465) – Chapter 325

Prohibits this state or any of its political subdivisions from accepting a foreign consular identification card as a valid form of identification.

justification; use of force (S.B. 1469) – Chapter 353

Makes changes to certain justification in the use of force statutes as follows: a) specifies that a person is presumed to be acting reasonably in preventing what the person reasonably believes is the imminent or actual commission of a criminal offense, which includes the use of physical or deadly force in certain locations; b) modifies the reasonableness standard regarding justification in defense of a third person and modifies the reasonableness standard and elements as they relate to reasonable presumptions in defense of a home or occupied vehicle; and c) adds the defensive display of a

firearm to the presumptions and *threat* as an element to the presumptions and exceptions. States that a person who is unlawfully or forcefully entering, or who has unlawfully or forcefully entered, and is present in a residential structure or occupied vehicle is presumed to pose an imminent threat of unlawful deadly harm to any person in the structure or vehicle.

county election law amendments (S.B. 1471) – Chapter 166

Changes voter registration trigger numbers for election functions related to conducting presidential preference elections by mail, the appointment of inspectors and judges to precinct election boards and notice requirements to certain county chairman. Permits the county election board to appoint as many election clerks as deemed necessary before an election.

Modifies early ballot affidavit form language to require a voter to declare that they have not voted or will not vote in this election in any other county or state and that they voted the enclosed ballot and personally signed the affidavit, unless they are physically unable to do so solely due to illness, injury or physical limitation. Specifies affidavit requirements if a person assists a voter with marking the ballot. Expands the prohibitions for voter assistance to include employees or volunteers of candidates or campaigns, including precinct committeemen.

Requires new party representation petition signatures to come from at least five different counties, with 10 percent of the signatures coming from counties with a population less than 500,000. Details petition filing and signature verification requirements, and expands new party representation recognition from two years to four years.

publicity pamphlets; judicial performance; comment. (S.B. 1472) – Chapter 272

Requires the following judicial information relating to Arizona Supreme Court justices and Court of Appeals judges subject to retention election to be published electronically at least 60 days before a regular primary election: a) certain biographical information, and b) a listing of published decisions in which the justice or judge issued a ruling on the constitutionality of a statute and the provision of the constitution relied upon. Contains a legislative intent clause.

early voting sites; electioneering (S.B. 1473) – Chapter 273

Permits a person to electioneer and engage in other political activity outside the 75 foot limit in a public area or parking lot at a facility used as an early voting site during the period of early voting, except in the case of an emergency.

appellate judges; judicial performance reviews (S.B. 1482) – Chapter 210

Requires, not later than 60 days before the regular primary election for the retention of an appellate court judge, the Commission on Judicial Performance Review to prepare and publish on its website a list of that judge's decisions, including an official citation and an electronic copy of the text of the decision.

terrorism; radiological agent; infectious substances (S.B. 1484) – Chapter 326

Broadens the terrorism statute to include certain unlawful acts involving infectious biological substances or radiological agents. States that the possession of any infectious biological substance or radiological agent, unless satisfactorily explained, may give rise to an inference that the person who

is in possession of the substance or agent is aware of the risk that the material may be used to commit an act of terrorism. Excludes certain persons who meet licensing and compliance requirements related to the materials from statute.

~~probate; omnibus~~ (NOW: probate proceedings; omnibus) (S.B. 1499) – Chapter 354

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

arbitration; waiver; restriction (S.B. 1504) – Chapter 355

Specifies that before a controversy arises that is subject to an agreement to arbitrate, a party may not waive or agree to vary the effect of the requirements for the following: a) an application for judicial relief, which must be made by motion to the court and heard in the manner provided by law or court rule for making or hearing motions; or b) an agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement.

nuclear security guards; weapons ranges (S.B. 1505) – Chapter 211

Exempts nuclear generating station armed security guards from certain misconduct involving weapons offenses. Exempts specified outdoor shooting ranges used for nuclear security exercises and nuclear security guard training from certain noise and hours of operation restrictions.

~~criminal justice; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; criminal justice; 2011-2012) (S.B. 1621) – Chapter 33

SEE THE APPROPRIATIONS COMMITTEE.

firearms within game refuges (H.B. 2006) – Chapter 276

Permits a person to carry or possess a firearm within a game refuge. Allows the Arizona Game and Fish Commission (Commission) to adopt certain specified rules relating to public shooting ranges operated by and under the Commission's jurisdiction. Authorizes range officers to enforce the rules, remove violators from the premises and refuse entry for repeat violations.

~~justice court jurisdiction; county parks~~ (NOW: county parks; justice court jurisdiction) (H.B. 2015) – Chapter 170

Specifies justice of the peace court jurisdiction to include criminal offenses that occur within a county park that includes a body of water located in two counties, subject to certain population threshold requirements, and the precinct includes some part of the county park.

~~technical correction; disincorporation~~ (NOW: foreign law; conflict of laws) (H.B. 2064) – Chapter 76

Prohibits a court, arbitrator, administrative agency or other adjudicative, mediation or enforcement authority from enforcing a foreign law if doing so would violate a person's federal or state constitutional rights or conflict with U.S. or Arizona law, with certain exemptions.

constables; salaries (H.B. 2068) – Chapter 107

Entitles a constable, in precincts with an average of 100 or fewer total documents served per year over the previous four years, to receive an annual salary of not more than \$15,000. Applies current statutory salary ranges to constables in precincts with an average of more than 100 total documents served per year over the past four years.

license eligibility; authorized presence (H.B. 2102) – Chapter 314

Requires an individual to present a government issued document that contains the individual's photograph in order to obtain a license to operate a business or perform a service if the license is necessary to perform that service, with certain exceptions.

dogs; cats; sterilization (H.B. 2137) – Chapter 213

SEE THE COMMERCE AND ENERGY COMMITTEE.

concealed weapons permit; training (H.B. 2146) – Chapter 85

Permits concealed carry weapon (CCW) applicants to demonstrate competence with a firearm by completing a firearms safety or training course that uses National Rifle Association certified instructors. Eliminates the requirement that CCW firearms safety training instructors submit fingerprints and a fee to the Department of Public Service (DPS) and eliminates the requirement that DPS check an instructor's criminal history record.

definition of dangerous drugs; synthetic (H.B. 2167/S.B. 1202) – Chapter 6 E

An emergency measure, effective February 18, 2011, that adds certain substances related to synthetic cannabinoids to the definition of dangerous drugs.

~~cosmetologists; applications; qualifications~~ (NOW: punitive damages; unlawful entry) (H.B. 2191) – Chapter 137 E

An emergency measure, retroactive to January 1, 2004, that prohibits a person who is present in Arizona in violation of federal immigration law related to improper entry by an alien from being awarded punitive damages in any action in any court in this state.

voting centers; polling places (H.B. 2303) – Chapter 331

Authorizes a county board of supervisors to use voting centers in place of, or in addition to, specifically designated precinct polling places. Requires a voting center to allow any voter in that county to receive and cast a ballot on election day. Requires a voter to sign the signature roster before receiving a ballot when an electronic poll book system is used. Requires a separate affidavit to be supplied for the inspector's signature that is in substantially the same format as a paper signature roster if electronic media poll book systems are used for signature rosters.

Allows the county recorder to use at least two electronic media poll lists as official precinct registers and permits the recorder to retain the required copy of the precinct register in either print or electronic media for verification purposes on election day. Requires that an electronic media voter list be in substantially the same format as the paper poll list and requires, upon request, that the list be

provided to a designated representative of each major political party. Permits the information contained in the list to also be provided electronically to a designated representative of each major political party by way of a secure electronic file transmittal format as prescribed by the Secretary of State (SOS).

Requires that hand counts be conducted as prescribed by law and in accordance with hand count procedures established by the SOS's Instructions and Procedures Manual.

state elections; omnibus (H.B. 2304) – Chapter 332 RFEIR

Modifies election law as follows: a) requires persons who are not Arizona residents to register as circulators with the Secretary of State (SOS) before circulating nomination or initiative or referendum petitions, permits circulators to print the name and address of a person under certain circumstances and specifies that knowingly filling out the name and address portion of the petition with the intent to commit fraud is a criminal violation; b) specifies that a vacancy that occurs due to the death or incapacity of a candidate following the printing of official ballots will not be filled and details notice and posting requirements regarding votes cast for the candidate; c) modifies language related to prohibitions on electioneering within the 75 foot limit of a polling place and permits electioneering outside the 75 foot limit at polling places used for early voting, except in the case of an emergency; d) permits a voter on the permanent early voting list to use a mailing address in this state, rather than an address in the voter's county of residence; e) applies the same voter intent standard for write-in candidates to federal and state races; f) entitles a new political party to representation on the ballot through the next two regularly scheduled general elections for federal office immediately following recognition of the political party; g) permits a candidate to lawfully collect signatures on nomination petitions and receive contributions after designating an exploratory committee and requires designation before circulating any petitions; h) modifies certain disclosure requirements related to telecommunications broadcasts; i) authorizes a political candidate committee to contribute surplus campaign monies to the individual's officeholder expense account; j) permits a corporation, limited liability company or labor organization to contribute to an independent expenditure committee; k) modifies financial disclosure timelines for public officers in their final terms; l) consolidates logic and accuracy testing of voting equipment and electronic ballot tabulating systems to a single test date; m) adds special elections to the elections that require a hand count; and n) expands the investigative authority of elections filing officers regarding suspected election law violations to all of the election law code, with a certain exception, rather than the article related to campaign contributions and expenses.

Establishes, as session law, the following: a) permits the SOS, in cooperation with one or more county boards of supervisors or other political subdivisions, to establish a Scanned Ballot Election Auditing Pilot Program and specifies reporting requirements and program repeal date; b) permits the SOS to enter into one or more agreements with other states for the purpose of establishing and maintaining a multijurisdictional database of voter registrants, details database purpose, security requirements and information restrictions and specifies repeal date; c) details requirements for legislative candidates and the SOS regarding nomination papers, petitions and signatures for the 2012 election; and d) permits the SOS, under the Secure Petition Process Pilot Program, to establish a method for registered voters to sign a nomination petition and a Citizens Clean Elections \$5 donation qualification form for a candidate by way of a secure internet portal for petitions for statewide and legislative offices, states that the methods established meet certain voter eligibility and identification verification requirements and specifies program repeal date.



Portions of the bill concerning the Secure Petition Process Pilot Program are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature.

failure; return rented vehicle; classification (H.B. 2351) – Chapter 38

Classifies, as a class 5 felony, unlawful failure to return a rented or leased motor vehicle.

court commissioner; qualifications (H.B. 2352) – Chapter 217

Requires an appointed court commissioner to be admitted to the practice of law in, and a resident of, Arizona for five years prior to taking office.

sentencing; dangerous offenses; probation (H.B. 2353) – Chapter 90

Standardizes the definition of dangerous offense as it relates to historical prior felony convictions, exemptions regarding setting aside judgments of convicted persons, earned release credits and home arrest eligibility. Repeals the special sentencing statutes related to assault, drug offenses, family offenses and sexual offenses and inserts the repealed special sentencing language into the existing statutes related to those offenses. Removes special sentencing statutory language regarding offenses committed with the intent to promote, further or assist a criminal street gang to the referenced existing statutes, which are the terrorism and illegal enterprise statutes. Repeals the outdated Interstate Compact for the Supervision of Parolees and Probationers.

Corrects a conflicting enactment in the aggravated assault classifications statute. Specifies that a person commits aggravated assault if the person is 18 years old or older and commits the assault on a minor under 15 years old, rather than a minor 15 years old or younger. Adds a public defender to the list of professions where an assault rises to an aggravated assault under the aggravated assault statute.

court surcharges (H.B. 2355) – Chapter 260

Specifies that court surcharges imposed for traffic violations are applied to the base fine, civil penalty or forfeiture and do not apply to any other imposed surcharge.

conservatorships; guardianships; county reimbursement (H.B. 2372) – Chapter 112

Permits a county to charge an estate for reasonable compensation if a county pays for court appointed services of a personal representative, guardian or conservator from county general fund appropriations.

department of juvenile corrections; continuation (H.B. 2376) – Chapter 261

Retroactive to July 1, 2011, the Arizona Department of Juvenile Corrections is continued until July 1, 2012.

guardians of incapacitated persons (H.B. 2402) – Chapter 262

***Effect of Appointment of Guardian on Privilege to Operate a Motor Vehicle*** – Upon appointment of a guardian, permits a court to determine whether a ward's privilege to obtain or retain

a driver license should be suspended. Allows the ward to file a reinstatement request to terminate a court ordered suspension or revocation of driver license privileges. Requires the court to consider medical evidence that the ward's incapacity does not prevent the safe operation of a vehicle and specifies other evidence the court may consider in reaching a decision. States that an order terminating a temporary or permanent guardianship also terminates any previously adjudicated incapacity and vacates previous orders suspending or revoking a person's driver license privileges.

***Inpatient Treatment; Rights & Duties of Ward & Guardian*** – Permits a court to authorize a guardian to consent to a ward receiving inpatient mental health care and treatment if the ward is likely to be in need of care and treatment within the period of guardian granted authority. Specifies evaluation reporting requirements.

***Court Options; Involuntary Treatment*** – Authorizes a court to order an investigation if there is reasonable cause to believe that a patient is incapacitated or is in need of protection on a finding that the patient, as result of a mental disorder, is a danger to self or others, or is persistently, acutely or gravely disabled and needs treatment. Permits the court to appoint an emergency temporary guardian or conservator in any proceeding for court ordered treatment in which a petition alleges that the patient is in need of a guardian or conservator and certain procedural requirements are met. Requires the court to appoint an attorney to represent the patient in further proceedings regarding the appointment of a guardian or conservator unless the patient is represented by independent counsel. Directs the court to schedule a further hearing within 14 days to consider the continued appropriateness and need for an emergency temporary guardian or conservator and specifies notice requirements. Requires the court, if a temporary emergency conservator other than a public fiduciary is appointed, to order that the use of the patient's money or property by the conservator is restricted and not to be sold, used, transferred or encumbered, except as needed to pay an expense to provide for the patient's care, treatment or welfare, pending a further hearing.

Specifies that if the court imposes additional duties on an existing guardian, the court may determine the patient's need to continue treatment under a court order and may issue the order, or determine that the patient's needs can be adequately met by the guardian and decline to issue an order for treatment. Permits the court to terminate an order for treatment if the court finds that the patient's needs can be adequately met by the guardian and the order for treatment is no longer necessary to assure compliance with treatment.

#### trusts and estates (H.B. 2403) – Chapter 334

Modifies certain provisions in the Arizona Trust Code, including the following: a) specifies the conditions in which a trust is subject to Arizona court jurisdiction; b) details certain rights, prohibitions and claims regarding the relationships between trust beneficiaries, trust settlors and their creditors; c) permits a trustee to exercise the discretion to appoint all of a trust estate to a trustee of another trust by restating the trust; d) expands certain allowable contributions to an irrevocable trust regarding separate spousal property if a spouse is the primary beneficiary; and e) eliminates certain notice requirements related to transfer on death provisions regarding motor vehicle titles.

#### ~~criminal restitution order; absconders~~ (NOW: criminal restitution; victim notification) (H.B. 2404) – Chapter 263

Requires the court to enter a criminal restitution order if the defendant absconds from probation or the defendant's sentence. Modifies certain notice requirements related to a criminal defendant's initial appearance in court or release from confinement.

human smuggling organization; offense; penalty (H.B. 2405) – Chapter 114

Specifies sentencing provisions for persons convicted of felony offenses regarding the intent to promote, further or assist a human smuggling organization and stipulates the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, with exceptions, until the sentence imposed by the court has been served, the person is eligible for release or the sentence is commuted.

Details elements and specifies felony classifications for participating in, or assisting, a human smuggling organization.

crimes; forensic interviews; mandatory fine (H.B. 2406) – Chapter 115

Requires the court to order a person to pay an assessment of \$500 in addition to any other assessment or restitution if a person is convicted of, or adjudicated delinquent for, a dangerous crime against children or sexual assault. Prohibits the assessment from being waived and specifies the assessment is not subject to a surcharge. Requires the court to transmit the assessed monies collected to the county treasurer for the purpose of defraying the cost of medical or forensic interview expenses.

outpatient treatment; agency notification (H.B. 2408) – Chapter 264

Requires a medical director, if criminal charges against a patient involving death, serious physical injury or a sexual offense are dismissed, to notify the prosecuting agency if a civil commitment order expires, is terminated, or if the person is discharged to outpatient treatment. Requires the medical director to provide the notice by mail at least five days before the anticipated date of expiration, termination or discharge.

child prostitution; consecutive sentences (H.B. 2411) – Chapter 78

Requires that a sentence imposed for a child prostitution conviction involving a minor who is 15, 16 or 17 years old be served consecutively with any other sentence imposed on the person at any time.

~~state institutions; technical correction~~ (NOW: attorney general's office; contracts) (H.B. 2423) – Chapter 116

Requires the Attorney General (AG) to determine whether a contingency fee contract in which a private attorney represents the state on a contingency fee basis is cost effective and in the public interest, and details certain findings and factors to guide the AG in making a determination. Directs the AG to request proposals from private attorneys if representation on a contingency fee basis is deemed appropriate and exempts contracts from the Arizona Procurement Code.

Specifies requirements to be met throughout the contingency fee contract period and any contract extension, and requires the AG to develop a standard contract addendum describing what is expected of the state and the private attorney. Contractually requires a government attorney to retain complete control over the course and conduct of the case, including veto power over any decisions made by a private attorney, and reserves case settlement decisions to the discretion of the government attorney and the state.

Requires the following to be posted on the AG's website: a) copies of executed contingency fee contracts, including extensions or amendments to the contract, and the AG's written determination to enter into the contract with a private attorney; and b) any payment of contingency fees to a private attorney. Details contingency fee payment limits and caps. Specifies certain reporting, recordkeeping and documentation requirements.

sexual conduct; minor (H.B. 2438) – Chapter 58

Broadens the class 2 felony classification for sexual conduct with a minor who is at least 15 years old to include a person who was the minor's parent, stepparent, adoptive parent, legal guardian or foster parent, or the minor's teacher, clergyman or priest. Expands the definition of teacher to include any person who provides instruction in a school.

~~technical correction; wage board; powers~~ (NOW: employee drug testing; medical marijuana) (H.B. 2541) – Chapter 336 RFEIR

SEE THE COMMERCE AND ENERGY COMMITTEE.

vehicle; sale; disclosure of lien (H.B. 2575) – Chapter 288

Classifies, as a class 1 misdemeanor, knowingly selling or transferring ownership in a vehicle without disclosing to the purchaser or transferee that the vehicle is subject to a restitution lien.

controlled substances; marijuana; monitoring (H.B. 2585) – Chapter 94 RFEIR

Requires the controlled substances prescription monitoring program to include data from the Arizona Department of Health Services identifying Arizona residents who possess a valid registry identification card issued pursuant to the Arizona Medical Marijuana Act.

landowner prohibition of hunting; posting (H.B. 2623) – Chapter 202

SEE THE NATURAL RESOURCES AND TRANSPORTATION COMMITTEE.

~~forfeited weapons; disposition~~ (NOW: firearms; rights restoration; peace officers) (H.B. 2645) – Chapter 304

***Restoration of Right to Possess a Firearm; Mentally Ill Persons; Petition*** – Permits a prohibited possessor to petition the court to restore his or her right to possess a firearm. Specifies filing, procedural and evidentiary requirements, including a requirement that the petitioner prove by clear and convincing evidence that the petitioner is not likely to act in a manner that is dangerous to public safety and that the requested relief is not contrary to the public interest. Grants a victim the right to be present and heard at any proceeding filed to restore the petitioner's right to possess a firearm and permits a person to appeal the court's order granting or denying the restoration of a right to possess a firearm petition.

States that a court-ordered grant of relief only restores the person's right to possess a firearm and does not apply to, or have affect on, any other rights or benefits the petitioner receives. Directs the Department of Public Safety (DPS) to update, correct, modify or remove the person's record from a maintained database and made available to the National Instant Criminal Database Background

Check System and requires DPS, within a specified timeframe, to notify the U.S. Attorney General that the person no longer falls within the provisions of a prohibited possessor.

***Carrying of Firearms by Peace Officers*** – Prevents a retired peace officer from being prohibited from carrying a firearm, except in certain circumstances.

## **LEGISLATION VETOED**

firearms omnibus (S.B. 1201) – VETOED

***Weapons: Misconduct, Forfeiture & Unlawful Discharge*** – Permits possession of a loaded firearm on school grounds if it is carried in a vehicle under the control of an adult, and specifies firearm storage requirements in the event the adult leaves the vehicle. Removes local law from the forfeiture of weapons statute regarding the sale of forfeited weapons so that only federal and state law is applicable. Removes the chief of police from statute regarding the approval and posting of notices relating to the unlawful discharge of weapons in hunting areas, and solely authorizes the Director of the Arizona Game and Fish Department to determine whether a hunting area may be closed when deemed unsafe.

***Firearms Regulated by State*** – Specifies certain prohibitions for this state and its agencies related to the firearms regulated by state statute and exempts the Legislature from the prohibitions. Allows the state, its agencies or political subdivisions to enforce a state law or enact and enforce an ordinance or rule pursuant to state law related to the following: a) the imposition of a privilege or use tax, b) possession by a minor of firearms on public property, c) regulation of land use and structures, and d) possession and discharge of firearms in parks and preserves.

Permits this state or its agencies to limit or prohibit the possession of firearms in a public establishment if certain conditions are met. Permits a state, county or municipal judicial department, law enforcement agency or prosecutorial agency to limit or prohibit firearms if the specific statutory signage requirements are met and secure firearm lockers are provided. Classifies, as a class 3 misdemeanor, unlawfully limiting or prohibiting the possession of firearms in a public establishment.

Permits a person to file suit for declarative and injunctive relief and damages if any ordinance, regulation, measure, directive, rule, enactment, order or policy is enacted or enforced in violation of the firearms regulated by state statute. Requires the court to award the prevailing party costs and fees.

***Miscellaneous*** – Expands the definition of *political subdivision* to include community college districts and universities under Arizona Board of Regents' jurisdiction, and exempts entities that operate a federal reclamation project from the definition.

The Governor indicates in her veto message that S.B. 1201 establishes a double standard for the regulation of guns; one for the Legislature and one for most other public bodies. The Governor also notes that although the storage of loaded firearms in locked vehicles on K-12 school grounds is permitted under the federal Gun Free School Zone Act for Concealed Carry Weapons (CCW) permit holders due to a separate exemption, non-CCW permit holders would be violating federal law under S.B. 1201. The Governor states that the bill fails to make this distinction and gun owners and K-12 school officials need clarity.

polling places; political parties; organization (S.B. 1331) – VETOED

***Polling Places*** – Requires the county recorder to post on its website a list of polling places in which emergency conditions prevent electioneering outside the 75 foot limit, including the reason the emergency exemption was granted, at least two weeks before election day. Specifies requirements if an emergency condition arises after the initial website posting.

***Political Parties*** – Prohibits the board of supervisors from filling a vacant precinct committeeman position during a specified timeframe. Details term of office beginning and end dates for precinct committeemen. Allows a precinct committeeman who is deemed elected as a result of a canceled election to be a member of a legislative district party committee. Limits persons who are eligible to vote for or serve in an elected office of a county or state committee to elected precinct committeemen or precinct committeemen deemed elected. Establishes a formula or formulae regarding legislative district committee membership election to the state party committee.

***Miscellaneous*** – Limits mail ballot elections conducted by a city, town or school district to nonpartisan elections held by that city, town or school district.

The Governor indicates in her veto message that S.B. 1331 places numerous restrictions on the role of precinct committeemen which inappropriately interferes with internal party operations.

educational institution; concealed weapons (S.B. 1467) – VETOED

Prohibits the governing board of an educational institution from adopting or enforcing any policy or rule prohibiting the lawful possession or carrying of a weapon on a public right-of-way.

The Governor's veto message states that legislative language that impacts Second Amendment rights should be clear and S.B. 1467 lacks clarity in specified instances.

board of supervisors; powers (H.B. 2067) – VETOED

Permits a county board of supervisors to contract with a government agency to provide constable services at fees less than those established by statute, with certain exceptions. Makes changes to the oversight of a hospital affiliated with the University of Arizona and establishes a new Board of Directors to oversee the hospital.

The Governor indicates in her veto message that while she shares the Legislature's concern over the process by which the Arizona Board of Regents (ABOR) exerted its authority over the University of Arizona (UA) Healthcare Board, she is additionally concerned with the legal and contractual ramifications of the legislation. In order to provide additional oversight of any future discussions on the relationship between UA Healthcare, the UA College of Medicine and ABOR, the Governor established the Arizona Medical Education Oversight Task Force by Executive Order.

legislative vacancies; precinct committeemen (H.B. 2484) – VETOED

Specifies that elected precinct committeemen from the legislative district in which a vacancy occurred fill the vacancy, rather than precinct committeemen from the county in the legislative district in which vacancy occurred. Increases, from five days to seven days, the timeframe precinct committeemen have to elect a person to fill a legislative vacancy if the Legislature is in regular session. Directs the precinct committeemen to elect, within statutory timeframes, one person who

meets the qualification and residency requirements and outlines the procedures if a majority of votes for one person to fill the vacancy cannot be met. Removes the county board of supervisors from the nomination process unless the precinct committeemen fail to fill the vacancy within specified timeframes. Establishes meeting requirements for legislative districts containing a portion of more than one county and prohibits vote by proxy or the use of proxies for purposes of determining a quorum.

The Governor indicates in her veto message that it is inappropriate for the state to interfere with the internal operations of recognized political parties, including directions on how votes should be cast and when and where meetings to fill a legislative vacancy should take place.